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ABSTRACT

To aid colleges and universities in protecting students and other potential victims of crime, a general analysis of the pertinent case law concerning institutional tort liability for campus crime is provided. The analysis of case law explains that lawsuits are usually based on the theory of negligence. Negligence consists of four elements: duty; the breach of duty; cause, as a result of the breach; and resulting injury. Presented also are an explanation of foreseeability, and a conclusion concerning the growing tendency to find institutions liable for campus crime. A statement from the American Council on Education, "Achieving Reasonable Campus Security," is also presented, followed by a bibliography of selected materials on institutional tort liability for campus crimes. Contains 36 references. (KM)

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THE PUBLICATION SERIES

Crime on Campus: Institutional Tort Liability for the Criminal Acts of Third Parties

ANITA RADDATZ

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Institutional Tort Liability for the Criminal Acts of Third Parties on Campus

Introduction

In August 1985, a student at Louisiana State University entered a bathroom on campus. Minutes later a strange man came into the bathroom and, at knifepoint, physically attacked and raped the young woman. She sued the university for $1,375,000.[1] This suit is not particularly uncommon. Lawsuits and sometimes judgments against academic institutions for criminal and other injurious conduct of third parties both on and off campus have become more frequent within the last couple of decades.[2] Consequently, to protect themselves from liability, especially for crimes committed on campus, colleges and universities need to take steps to protect students and other potential victims. To help in this endeavor, this pamphlet provides a general analysis of the pertinent case law, includes the American Council on Education's (ACE) "Achieving Reasonable Campus Security,"[3] and identifies other articles and sources of information.

Most case law on this subject involves criminal attacks against students on campus by nonstudent assailants. Nevertheless, other possible factual scenarios exist. For example, a student may assault another student off campus.[4]

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1. *Jane Doe v. Board of Supervisors of Louisiana State Univ.*, No. CW 871073 (La. Ct. App. Dec. 22, 1987).

2. *See generally* Hauserman & Lansing, "Rape on Campus: Postsecondary Institutions as Third Party Defendants," 8 *J.C.U.L.* 182, 182–83 (1981–82).

3. American Council on Education, Office on Self-Regulation Initiatives, "Achieving Reasonable Campus Security," Washington, D.C.: American Council on Education, December 1985.

4. For example, in *Eiseman v. State*, 70 N.Y.2d 175, 511 N.E.2d 1128, 518 N.Y.S.2d 608 (1987), a student raped and murdered a fellow student off campus. The assailant, Campbell, was an ex-felon enrolled in a special university program for the disadvantaged. The court held that the college correctly followed statutory standards in admitting Campbell, and, consistent with his parole, Campbell had the right to become a student. In addition, after admission, the college did not have a right or legal duty to restrict Campbell's contacts with other students. Therefore, the college was not liable for the attack. *Id.* at 191, 518 N.Y.S.2d at 616.

Alternatively, a nonstudent may assault another nonstudent on campus.[5] Finally, a student may even injure himself or herself on campus.[6] Therefore, before attempting to assess institutional liability, administrators must first consider the identity of both the victim and the perpetrator, the crime itself, and the locations of similar incidents. This pamphlet's scope, however, is limited to a discussion of institutional tort liability for criminal acts of third parties on campus.

Case Law—Negligence

Lawsuits against academic institutions for assault or other criminal activity are usually based on the theory of negligence. In other words, the college or university was careless or failed to protect the victim properly and adequately against foreseeable campus crime. With negligence law continuing to expand, academic institutions cannot escape the consequences. Courts are increasingly finding colleges and universities negligent, and therefore liable, for crimes committed on campus.

Negligence consists of four elements. The plaintiff must show a *duty* and that the duty was *breached*. The plaintiff must also show that the breach was the *cause*, both proximate and factual, of the attack and resulting *injury*. In order for an educational institution to be

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5. For instance, in *Bearman v. University of Notre Dame*, 453 N.E.2d 1196 (Ind. Ct. App. 1983), a drunk nonstudent injured another nonstudent on the university premises after a football game and tailgate party. Even though the incident was alcohol-related, the court found the university liable for the plaintiff's injuries. The university knew that students and nonstudents consumed alcohol during football events and therefore knew of the general threat to the safety of attendees. Consequently, the university had a duty to take reasonable precautions to protect invited guests from foreseeable harm. *Id.* at 1198.

6. In *Whitlock v. University of Denver*, 744 P.2d 54 (Colo. 1987), a student sued the university after he injured himself on a trampoline at his fraternity. The court distinguished between negligent affirmative acts and negligent failure to act and then found that a "special relationship" had to exist before a duty to supervise could arise. No such relationship was found either as the result of Whitlock's status as a student or in the fraternity's lease with the University. The court concluded that if a special relationship existed between Whitlock and the University sufficient to warrant the imposition of liability for nonfeasance, the result would directly contravene social policy of fostering an educational environment of student autonomy and independence. *Id.* at 62.

found negligent, and therefore liable for a criminal attack, the victim must prove all four elements. Determining if an institution has a "duty" and whether the institution has "breached" that duty, appear to be the issues most often litigated.

Duty. Generally, a person has no duty to protect another person from criminal acts of unknown third persons.[7] Nevertheless, as with every general rule, certain exceptions exist. For instance, a special relationship between two people, or a special circumstance, may create a duty in one person to protect another against foreseeable harm.[8] Just as a landlord may be responsible for protecting a tenant, a school may be responsible for protecting a student against criminal attack by unknown third persons.[9] The duty to protect from foreseeable harm appears to rest on these special relationships.

Some courts have relied on landlord-tenant law to determine whether or not an institution has a duty to protect its students. For example, in *Cutler v. Board of Regents*,[10] a student was raped in her dormitory room on campus by assailants who entered through the common area of the dormitory. Although the university represented to its students that the dormitories were reasonably safe and secure, numerous other students had been assaulted, attacked, and/or raped on campus. Therefore, the court analyzed the case in terms of whether the university had "breached its duty to provide reasonable security from foreseeable criminal acts against student tenants by third party intruders." Similarly, in *Miller v. State*,[11]

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7. Prosser & Keeton, *The Law of Torts* § 33, at 200–01 (5th ed. 1984); *Restatement of Torts* §§ 315, 448 (1965).

8. Prosser & Keeton, *The Law of Torts* § 33, at 201–02 (5th ed. 1984).

9. *See, e.g., Kline v. 1500 Massachusetts Ave. Apt. Corp.*, 439 F.2d 477 (D.C. Cir. 1970) (landlord liable for tenant injuries when she was criminally assaulted in apartment hallway); *McLeod v. Grant County School Dist.*, 42 Wash. 2d 316, 255 P.2d 360 (1953) (school district liable for rape of 12-year-old school girl by fellow students in public school building during noon recess).

10. 459 So. 2d 413 (Fla. Dist. Ct. App. 1984).

11. 62 N.Y.2d 506, 467 N.E.2d 493, 478 N.Y.S.2d 829 (1984).

the court found a state university liable in its landlord capacity when a student was raped in her dormitory. Because the university negligently failed to keep the outside doors into the dormitory locked, the university breached its duty, making criminal intrusion reasonably foreseeable, and that failure was a proximate cause of the rape.

Other courts have simply found that institutions have an affirmative duty to protect students from injuries inflicted by the criminal acts of nonstudents on the campus. Many of these courts analyze the cases in landowner-invitee terms. In other words, the institution, as landowner, has an affirmative duty to keep its premises reasonably safe.

For example, in *Peterson v. San Francisco Community College District*,[12] a student was assaulted on a stairway adjacent to the school's parking lot. According to the court, students who pay tuition and who spend a significant amount of time in an academic setting can reasonably expect that school authorities will keep the campus free from conditions which increase the risk of crime. The court found that school authorities were aware of other similar assaults in the same location, but failed to warn about the danger. The academic institution was aware of a dangerous condition on campus and failed to take reasonably protective steps. In addition, crime was reasonably foreseeable. Therefore, the college was liable for the student's injuries.

Similarly, in *School Bd. of Palm Beach County v. Anderson*,[13] a nonstudent was shot and killed by a former student when he returned to high school to pick up his school records. Again, the court analyzed the case in landowner-invitee terms, holding that the school owed a duty to keep the premises reasonably safe and to protect invitees against reasonably foreseeable danger. A history of racial incidents had made the attack foreseeable.

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12. 36 Cal. 3d 799, 685 P.2d 1193, 205 Cal. Rptr. 842 (1984).

13. 411 So. 2d 940 (Fla. Dist. Ct. App. 1982).

The duty to protect against injury also depends on whether an institution, by its actions, assumes a greater duty of protection. In *Mullins v. Pine Manor College*,[14] a student sued her college for damages after she was abducted from her college dormitory room and raped elsewhere on campus. The Massachusetts Supreme Judicial Court found the college liable for the student's injuries because the college voluntarily undertook the duty to protect its students from criminal acts of third parties. Having voluntarily assumed the duty to protect, the college did not adequately perform that duty. As a direct result, the student was injured.

Significantly, the facts in *Pine Manor* are somewhat extreme. The institution, a women's college located near Boston, was surrounded by a six-foot chain fence. The gates were locked at night, security guards patrolled the campus, and evening vistors were required to have an escort. During orientation, college officials warned students about the dangers of attending a women's college located so near a major metropolitan area. Moreover, the college required its freshmen to live in the college dormitories on campus. Considering all these factors, the court found that students living on campus reasonably relied on the college for protection. Unfortunately, the apparently safe security system was inadequate. For instance, the fence surrounding the campus was easily scaled, the security guards were not formally supervised, and one room key opened a number of locks. Consequently, the college breached the duty it had voluntarily assumed—a duty to protect students against foreseeable harm. The student relied on the supposed protection, and was injured as a result of the college's inadequate performance of its assumed duties. Therefore, the college was liable for her injuries.

Foreseeability. An institution's duty to protect a student does not merely depend on an analysis of the special relationship between the two, or on whether the institution created or

14. 389 Mass. 47, 449 N.E.2d 331 (1983).

increased the risk of injury. Another important factor in determining institutional liability is the "foreseeability" of potential harm. An institution need only protect students or other invitees against foreseeable criminal acts of third parties. If harm is not foreseeable, the institution has no duty to protect against it, and thus, cannot have breached any duty to act.

Courts differ in their interpretations of what is foreseeable. Some courts do not consider crime foreseeable when a landowner knows only of general, but not specific, threats. Other courts determine foreseeability based on whether *similar* crimes have occurred in the past. For example, in *Relyea v. State*,[15] the court held that a landowner is only obligated to protect an invitee against criminal acts of third persons when the landowner knew or should have known about prior, similar criminal acts. In *Relyea*, three men assaulted and later murdered two young women in a university parking lot. The court held that the university, as a landowner, was not required to take precautions against sudden attacks from third persons which it had no reason to anticipate. Here, the only prior incidents involved minor larcenies from automobiles and school buildings, hit-and-run complaints for minor automobile damage, and miscellaneous incidents such as malicious mischief.

Similarly, in *Brown v. North Carolina Wesleyan College, Inc.*,[16] a college cheerleader was abducted from campus and murdered. The court found the college not liable for the crime because the crime was not reasonably foreseeable. The evidence did not show similar criminal activity in the area.

On the other hand, courts outside the school-student context have not been so strict in determining the foreseeability of criminal conduct. However, this discrepancy appears to reflect a change in judicial attitude rather than a situational difference.

For instance, the court in *Paterson v. Deeb*,[17] refused to adopt the reasoning of the

15. 385 So. 2d 1378 (Fla. Dist. Ct. App. 1980).
16. 65 N.C. App. 579, 309 S.E.2d 701 (1983).
17. 472 So. 2d 1210 (Fla. Dist. Ct. App. 1985).

Relyea court. *Paterson* held instead that proof of prior similar incidents on the premises is not necessary to determine foreseeability or to impose liability on a landlord for criminal attacks on tenants. In *Paterson*, a tenant was sexually assaulted in an area of her apartment building that was easily accessible to trespassers. The tenant had complained to the landlord about the lack of adequate security. She also alleged that the landlord was aware of the higher-than-average incidence of criminal attacks in the neighborhood, and that the landlord violated statutory duties to provide locks and keys and to maintain the common areas of the apartment building in a safe condition. In determining foreseeability, the court held that a tortfeasor need not foresee the exact nature and extent of the injuries, or the precise manner in which the injuries occur, but that the tortfeasor need only be able to foresee that some injury will likely result in some manner as a consequence of his or her negligent acts.

Other states have also followed this broader interpretation of foreseeability. In *Nixon v. Mr. Property Management Co.*,[18] the plaintiff was raped in a vacant unit of her apartment building. The court held that the plaintiff need not provide evidence of previous rapes at or near the premises to establish foreseeability. Instead, the plaintiff need only show that the injury was of a general character as might reasonably be anticipated. The court in *Isaacs v. Huntington Memorial Hosp.*,[19] reached a similar conclusion. In *Isaacs*, a doctor shot in a hospital parking lot sued the hospital. The court held that the doctor could establish reasonable foreseeability without having specific evidence of prior similar incidents on the premises. According to *Isaacs*, "[s]urely, a landowner should not get one free assault before he can be held liable for criminal acts which occur on his property."

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18. 690 S.W.2d 546 (Tex. 1985).

19. 38 Cal. 3d 112, 695 P.2d 653, 211 Cal. Rptr. 356 (1985), *vacating* 158 Cal. App. 3d 487, 204 Cal. Rptr. 765 (1984).

Summary and Conclusion

Increasingly, courts seem to be finding institutions liable for crimes and other injurious conduct on campus by known and unknown third persons. The focus is not simply on who is best able to bear the burden, but who is best able to protect against the particular harm. Consequently, if an educational institution is in the best position to protect, courts may assume a duty to protect against reasonably foreseeable danger. Where the institution fails to perform that duty adequately, courts are likely to find the institution liable to students injured as a proximate result of its failure to protect. As with any negligence case, the key issues are (1) whether a duty to protect existed, (2) whether the particular harm was reasonably foreseeable, (3) whether the institution adequately attempted to protect the student from that harm, and (4) if it did not, was that failure to protect the cause of the harm?

Therefore, to guard against liability for crimes and other injurious actions on campus, administrators and other institutional personnel are urged to review particularly the American Council on Education statement that follows, as well as those articles and other sources of interest from the "Selected Materials" section.

Although not safe havens against crime, college campuses are generally closed environments that attract some criminal activity. Consequently, institutional authorities are expected to take reasonable precautions to prevent crime. In providing protection, the institution must judge for itself whether criminal activity is foreseeable and whether the institution is taking reasonable security measures. As evidenced from the above cases, courts have tended to expand the liability of owners and occupiers of land for assaults committed on the premises by third parties. Therefore, an educational institution must provide the security it purports to provide and, at the very minimum, must provide enough security to protect against foreseeable harm.

Achieving Reasonable Campus Security

Reprinted with permission from the American Council on Education.[1]

There is ample evidence today of increasing violent crime on the nation's campuses. Students, faculty, and staff alike have been victims. The processes of discovering and transmitting knowledge may also suffer if, in response to this crisis, academic traditions of free movement and access are restricted. On the one hand, institutions need to make their campuses reasonably secure places for all members of their community. On the other hand, there are demonstrable tensions between an ideal academic environment and a completely secure campus. It is essential to work for an equitable balance between an open environment where academic inquiry can thrive and a safe environment where inquirers can feel secure. The concepts of reasonable security and of administrative responsibility provide direction in achieving this balance.

The Concept of Reasonable Security

Each institution should review periodically its efforts to make its campus a reasonably secure place for all members of its community. It should marshal those forces within its control so as to provide that its students and employees are able to enjoy on campus at least that average degree of security enjoyed by similarly situated citizens of the surrounding community. The concept of "reasonable security" recognizes that there are demonstrable tensions between an ideal academic environment and a secure campus. The concept also recognizes that the risk of becoming a campus victim of violent crime must vary by

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1. This article is part of an American Council on Education series entitled *Self-Regulation Initiatives: Resource Documents for Colleges and Universities*. It was developed by the ACE Advisory Committee on Self-Regulation Initiatives and endorsed at its October, 1985 meeting. The Executive Committee of the American College Personnel Association also endorsed the document in July, 1985. ACE Board Chair: Philip H. Jordan, Jr., President Kenyon College; ACE President: Robert H. Atwell.

factors such as the crime rate in the surrounding community.

Administrative Responsibility

Administrative responsibility for campus security should be assigned to specific officials. Each institution should also designate responsible individuals to be on call to respond to security emergencies. Responsibility for the campus security system includes the need to ensure the following.

1. Security needs are taken into account in the design, maintenance and operation of the institution's buildings, grounds, and equipment.
2. Students and other members of the institutional community are adequately informed about security risks and procedures.
3. Security personnel are adequately screened, trained, equipped, and supervised by the institution or its contractor.
4. The number of security personnel utilized is adequate to perform the functions assigned to the department. If no security personnel are utilized, the campus should be made reasonably secure by other means.
5. Data regarding security incidents are collected and receive periodic administrative review.

Suggested Practices

The suggestions which follow enumerate some specific steps institutions can take to minimize the likelihood of violent crime. The rich diversity of the nation's institutions of higher education works against any simple or complete enumeration. Urban and rural institutions usually enjoy quite different situations respecting the prospects of violent crime, as is also the case with residential and commuting campuses. Each institution will naturally assess its needs in light of its unique circumstances, characteristics, and resources. The suggested practices should be adopted and adapted as appropriate.

I. Instructing Campus Community about Security Procedures

1. Each institution should provide all campus members information about security risks and precautions applicable to areas of the campus they may frequent.
2. Each institution should inform all members of the campus community about procedures for summoning aid in the event of a security emergency.
3. The campus community should be informed of the importance of reporting all criminal incidents immediately.

It may be appropriate to disseminate security information that is tailored to the activities of specific sub-groups of the campus community, such as commuting students, resident students, and night-shift employees.

II. Grounds Security and Access

With careful attention to the primacy of educational values, institutions should consider whether it is feasible and advisable to restrict or monitor access of uninvited visitors to their campus. Such a determination should take into account the degree of any security risk posed by the presence of visitors on the campus. The size and physical lay-out of the campus and the extent to which institutional activities draw large numbers of outside visitors should also be considered. Decisions whether to restrict access to campus buildings by visitors or to monitor such access should take into account the security risks existing in the neighborhood of the building, the effect of restriction on the academic value of the facility, the physical lay-out of the building, the hours during which significant numbers of campus community members are present in the building, and the degree to which permitting outsiders access to such buildings furthers institutional interests.

The great majority of campuses are not surrounded by a fence or wall designed to keep the outside world from entering. In general, creating higher education campuses with security barriers is incompatible with their educational function. However, some enhance-

ments of campus security can be achieved by restricting and monitoring access to campus grounds. For instance, the lay-out of an institution may make it feasible to monitor traffic entering the campus, or to fence specific areas considered to pose substantial security risks.

Grounds Maintenance. Each institution should periodically examine its grounds-keeping standards from a security point of view. It should evaluate building entrances, parking areas, outdoor communication facilities and major campus pathways with respect to plant growth and debris that may materially detract from security.

Adequacy of Outdoor Lighting.

a. Each institution should periodically review the adequacy of its outdoor campus lighting from a security point of view.

b. All authorized entrances to student housing buildings should be sufficiently illuminated after dusk to permit observation of persons loitering in the vicinity. Lighting should be distributed about the rest of the campus to cover building entrances, pathways, parking facilities, and other open areas where students must travel after dusk.

c. Each institution should systematically monitor the operation of outdoor lighting. The light-monitoring system should include a program to replace defective or burnt-out lights as soon as practicable after being reported.

Master-Key Control. Each institution should maintain and document adequate procedures to ensure that access to master keys is restricted. Master keys should be issued only in circumstances of clearly-defined need.

Escort Service. An institution whose campus consists of grounds as well as buildings should consider having an escort or shuttle service as necessary. Students should be warned against walking in risky areas alone after dark and should be informed of the availability of the escort service.

III. Supervision in Student Housing

Many institutions use nonstudents or graduate students to supervise undergraduate housing, often in conjunction with specially selected undergraduates. Where undergraduates are the sole supervisory presence, they should be upperclassmen in good academic standing and should be screened for maturity and judgment. Student-housing supervisors should be recognized as an integral part of the campus' security system and trained accordingly.

1. An institution offering on- or off-campus housing to undergraduates should provide some form of supervision within student housing on matters affecting the security of the residents.
2. Each institution should recognize the extent student-housing supervisors are in fact responsible for safeguarding security in student housing and should provide them with training commensurate with such responsibility.
3. Individual institutions with resident students should assess the feasibility and desirability of having and enforcing rules restricting the access of non-residents to student housing.
4. An institution with resident students should make reasonable efforts to ensure that all resident students are adequately informed about security procedures and rules applicable to their residence halls, and that each resident student is instructed how to react and how to seek aid if unauthorized persons obtain access to student housing.

IV. Training Security Officers

1. An institution that maintains or contracts for a security force should provide that its officers receive training commensurate with their functions and such training should be maintained on a current basis.
2. An institution maintaining a security force should have procedures for disciplining officers who fail to perform their duties.

3. An institution contracting for security personnel should have documented procedures for communicating complaints about the performance of officers to the contractor.

V. Campus Law Enforcement

1. An institution should have an established pattern of communications and relations with the local police. It may be advisable to develop a formal agreement with the local police department, spelling out the respective jurisdictions of each and the circumstances in which they are to assist on security matters.
2. An institution that does not have security officers with the authority to make criminal arrests should establish a rapid and effective means of communicating security emergencies to local police or other back-up security personnel with arrest powers.
3. If security officers are authorized to carry guns or chemical restraints, the institution should establish that:
   a. weapons are carried only by officers satisfying legal requirements,
   b. officers' qualifications for carrying such weapons are reviewed periodically,
   c. strictly enforced procedures govern the securing of such weapons when officers are off duty, and
   d. a clear written policy governs the use of such weapons.
4. An institution may employ students in part-time security patrol jobs whereby such students are supervised by responsible members of the security department. Students employed in such jobs should be instructed not to engage in confrontation with anyone they suspect of wrong-doing; a security officer or the local police should be summoned.
5. An institution sponsoring special events, such that it can reasonably anticipate that its regular security force will not be adequate, should retain supplemental security service. The institution should define the

duties of such personnel so that all necessary security functions are covered.

Additional Resources

Departmental Self-Study: A Guide for Campus Law Enforcement Administrators. Max Bromley and Leonard Territo. Hartford: International Association of Campus Law Enforcement Administrators, 1984.

Report on Current Security Practices and Policies Among AICUM Institutions. The Community Security Standards Committee. Association of Independent Colleges and Universities in Massachusetts, 1984. The AICUM report served as the origin of this Resource Document; portions of the AICUM report are incorporated herein.

Selected Materials on Institutional Tort Liability for Crimes on Campus

Compiled by NACUA's Legal Reference Service, 1988.

Articles

Batson, Steve W. "Minimizing Liability for the College Administrator: Female Student Protection." *School Law Update 1986*, edited by Thomas N. Jones and Darel P. Semler. Topeka, KS: National Organization on Legal Problems of Education, 1986.

Bromley, Max and Territo, Leonard. "The Campus Executive's Role in Security and Liability Issues." *NACUBO Business Officer*, June, 1986, pp. 26–30.

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Korpela, Allen E. "Tort Liability of Public Schools and Institutions of Higher Learning for Injuries Caused by Acts of Fellow Students." 36 ALR 3d 330.

Smith, Joel E. "Liability of University, College, or Other School for Failure to Protect Student from Crime." 1 ALR 4th 1009.

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Books and Monographs

Ehrhart, Julie K., and Sandler, Bernice. *Campus Gang Rape: Party Games?* Washington, DC: Project on the Status and Education of Women, Association of American Colleges, 1985.

Smith, Michael C. *Coping with Crime on Campus.* New York, NY: American Council on Education/Macmillan Publishing Co., 1988.

Legislation

"The College and University Security Information Act," The General Assembly of Pennsylvania, House Bill 1900, Session of 1987 (as amended, March 21, 1988) (requiring institutions of higher education in Pennsylvania to provide students, employees, and prospective students with information relating to crime statistics and security measures).

Cases

Jesik v. Maricopa County Community College Dist., 125 Ariz. 543, 611 P.2d 547 (1980) (college held to have duty to provide supervision after receiving notice of threat from student later shot by third party while registering for classes).

Donnel v. California Western School of Law, 246 Cal. Rptr. 199, 45 Educ. L. Rep. 1163 (1988)(law school not under duty to place lights outside buildings and thus not liable to adult student assaulted on a dark sidewalk adjacent to the school).

Peterson v. San Francisco Comm. College Dist., 36 Cal. 3d 799, 685 P.2d 1193, 205 Cal. Rptr. 842, 19 Educ. L. Rep. 689 (1984)(community college district could be held liable for failure to protect students from reasonably foreseeable assaults on campus, which in this case was committed by man hiding in foliage near parking lot and stairway).

Duarte v. State, 151 Cal. Rptr. 727 (1979) (university could be found liable for rape and murder of student in dormitory because of special landlord-tenant relationship between institution and student, and because of negligent misrepresentation by the university as to the safety of the campus).

Hayes v. State, 521 P.2d 855 (Cal. 1974) (university could not be held liable for maintenance of dangerous condition and did not have duty to warn against possibility of criminal conduct as a result of injuries and death to persons on beach on the campus of university).

Cutler v. Board of Regents of State of Florida, 459 So. 2d 413, 21 Educ. L. Rep. 1071 (Fla. Dist. Ct. App. 1984)(court allowed student who had been assaulted and raped in dorm room to amend complaint to assert negligence and breach of contract claims against university).

Relyea v. State, 385 So. 2d 1378 (Fla. Dist. Ct. App. 1980)(failure to show foreseeability of violent assaults and sovereign immunity protected state and its agencies from liability in assault and murder of two female students).

Beck v. Kansas Adult Authority, 241 Kan. 13, 735 P.2d 222, 39 Educ. L. Rep. 323 (1987)(university medical center not liable for failure to provide police protection when former prisoner and mental patient entered emergency room and shot two people).

Hall v. Board of Supervisors Southern Univ., 405 So. 2d 1125, 1 Educ. L. Rep. 468 (La. Ct. App. 1981)(university not liable when student in lobby of dormitory was shot by nonstudent; isolated incidents of violence did not require university to warn all dormitory residents of potential danger of assaults).

Gant v. Flint-Goodridge Hospital of Dillard Univ., 359 So. 2d 279 (La. Ct. App. 1978) (landlord hospital not liable for rape of tenant in nurses' residence laundry room

because number of security guards reduced).

Mullins v. 'Pine Manor College, 389 Mass. 47, 449 N.E.2d 331, 11 Educ. L. Rep. 595 (1983)(college and its vice president of operations held liable for rape of student on campus by unidentified assailant).

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Eiseman v. State, 70 N.Y.2d 175, 511 N.E.2d 1128, 518 N.Y.S.2d 608, 41 Educ. L. Rep. 275 (1987), *rev'g*, 489 N.Y.S.2d 957, 25 Educ. L. Rep. 876 (A.D. 4 Dept. 1985)(university not liable for rape and murder of student by conditionally-released prisoner who was also enrolled at university under state-sponsored program).

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